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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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34M1/0212

EXAMINER

TAPOLCAI, W

ART UNIT

PAPER NUMBER

3404

DATE MAILED: 02/12/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/585,207

Applicant(s)

Sanger

Examiner

William E. Tapolcai

Group Art Unit

3404



☒ Responsive to communication(s) filed on Jan 21, 1997

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 and 3-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1 and 4-8 is/are allowed.

☒ Claim(s) 9 is/are rejected.

☒ Claim(s) 3 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs in view of the British patent '158 and Grenier. Jacobs discloses the claimed invention except for the stator having an array of stator buckets, and for the array of centrifugal pumping vanes mounted on the rotor outside the turbine chamber. The British patent '158 teaches a fluid friction heater having a stator C and a rotor B. Both the stator and rotor have arrays of buckets as seen i Fig. 3. It would be obvious to provide the stator of Jacobs with an array of stator buckets instead of the single chamber 56, 58, in view of the British patent '158, for the purpose of increasing the friction effect and the heat generated thereby. Grenier teaches a friction heater having an array of pumping vanes 40 as is clearly shown in Figs. 1 and 2. The vanes are driven by the rotor shaft 20 and are located outside the turbine chamber 18. It would be obvious to provide Jacobs with an array of pumping vanes that are located outside the turbine chamber, in view of Grenier, for the purpose of increasing the fluid flow through the heater and simplifying the construction of the heater.

3. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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4. Claims 1 and 4-8 are allowed.

5. Applicant's arguments filed January 21, 1997 have been fully considered but they are not persuasive. Applicant's remarks are believed to be answered by the newly applied reference to Grenier, which clearly teaches an array of pumping vanes that are located in a chamber that is outside the main heating chamber.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (703) 308-2640. Fax transmissions should be made via the fax number (703) 308-7763.

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W. E. Tapolcai
William E. Tapolcai
Primary Examiner
Art Unit 344

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February 10, 1997